

E-FILED

**United States District Court**

FILED

NORTHERN

DISTRICT OF

CALIFORNIA

2011 APR -1 P 1:45

UNITED STATES OF AMERICA

V.

ROBERTO PEREZ-ARMENTA

CRIMINAL COMPLAINT

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
N.D. CALIF. JOSE

CASE NUMBER:

(Name and Address of Defendant)

**11-70344 HRL**

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or after February 27, 2011 in Santa Clara County, in the Northern District of California defendant(s) did, (Track Statutory Language of Offense)

travel in interstate commerce from the State of California with the intent to avoid prosecution for one count of the violation of California Penal Code Section, 187, murder, under the laws of the State of California.

in violation of Title 18 United States Code, Section(s) 1073.

I further state that I am a(n) Special Agent, FBI and that this complaint is based on the following facts:

Official Title

SEE ATTACHED AFFIDAVIT.

PENALTIES: A maximum term of five (5) years imprisonment; a \$250,000 fine; a maximum term of three (3) years of supervised release; and a \$100 penalty assessment.

REQUESTED BOND: Detain without bail.

Approved as to form:

Allison Danner, Assistant United States Attorney

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

Date

Howard R. Lloyd  
United States Magistrate Judge

Name &amp; Title of Judicial Officer

Signature of Complainant

John O'Brien  
Special Agent, FBI

San Jose, California

City and State

Signature of Judicial Officer

STATE AND NORTHERN DISTRICT OF CALIFORNIA )  
 ) ss. AFFIDAVIT  
CITY OF SAN JOSE, COUNTY OF SANTA CLARA )

I, John O'Brien, Special Agent of the Federal Bureau of Investigation (FBI), being duly sworn, state:

1. I am a Special Agent of the FBI and have been so employed since September of 1996. While acting in that capacity I received information from Deputy District Attorney Brian Welch of the Santa Clara County District Attorney's Office, San Jose, California, who advised that on March 11, 2011, a no-bail arrest warrant was issued for the arrest of Roberto Perez-Armenta, date of birth December 19, 1989, a Mexican National. This warrant was issued by the Superior Court of the County of Santa Clara, State of California, docket number CC1102314, charging Perez-Armenta with violation of California Penal Code, Section 187, murder. A certified copy of the warrant is attached hereto and specially incorporated herein as Exhibit A. All of the information contained in paragraphs two and three was obtained through the investigation of law enforcement officers of the Santa Clara Police Department, Santa Clara, California.

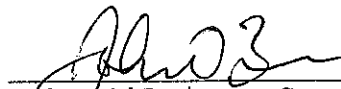
2. During the early morning hours of February 27, 2011, Roberto, Emiliano Perez, who is Roberto's uncle, and Alfonso Barcenas Castillo were drinking beer and partying outside of the apartment address of 2249 Monroe Street, Santa Clara, California. After a period of time and consumption of alcohol, Roberto and Castillo became embroiled in a physical fight. Emiliano attempted to intervene but he was too late. At approximately 4:30 A.M., Roberto called his mother and told her had stabbed someone and needed to flee the area. At approximately 5:00 A.M., Emiliano went home and told his girlfriend about the fight. He then took some clothes and said was leaving the area. Around 7:00 A.M., a jogger found Castillo's body, laying motionless on front lawn area of the apartment complex across the street from the 2249 Monroe Street address. A blood trail linked the two spots. Fire and rescue personnel pronounced Castillo dead on the scene. A subsequent autopsy noted that Castillo died of fourteen stab wounds, with the fatal wounds occurring in the victim's neck area.

3. Later that day, Roberto called his mother and said he was taking a bus to Mexico. Four days later, Emiliano called a Spanish speaking Santa Clara Police Department Detective and said he was in Mexico. During that phone call,

Emiliano talked about the fight and stated he fled because he was scared. Emiliano said he took a bus to Mexico but his telephone calling card expired before the Detective could ask if Emiliano and Roberto had traveled to Mexico together. Blood evidence was found in Roberto's vehicle but none in Emiliano's, which also indicates that Roberto, not Emiliano, murdered Castillo. Additional follow up investigation by Santa Clara Police Department Detectives allege that Roberto's mother has shielded information, is assisting her son and that he is staying with her relatives in a small town in Mexico.

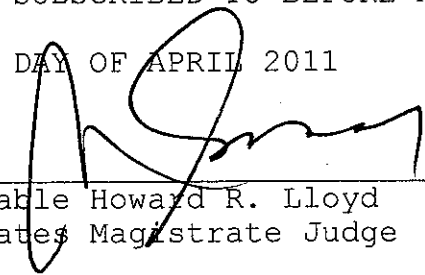
4. The Santa Clara County District Attorney's Office, San Jose, California, by letter dated March 11, 2011, has formally requested the assistance of the Federal Bureau of Investigation and the United States Attorney's Office in locating and arresting Roberto Perez-Armenta for violation of California Penal Code, Section 187, murder. In that letter, a true and correct copy of which is attached hereto and specifically incorporated herein as Exhibit B, the Santa Clara County District Attorney's Office represents that it will extradite Roberto Perez-Armenta from any location in the United States and from any country where he may be found which has an extradition treaty with the United States.

5. It is my belief that there is probable cause to believe that Roberto Perez-Armenta has fled the State of California to avoid arrest and prosecution for violation of California Penal Code, Section 187, murder, in violation of Title 18, United States Code, Section 1073.

  
\_\_\_\_\_  
John O'Brien, Special Agent  
Federal Bureau of Investigation

SWORN AND SUBSCRIBED TO BEFORE ME

THIS 1<sup>st</sup> DAY OF APRIL 2011

  
\_\_\_\_\_  
The Honorable Howard R. Lloyd  
United States Magistrate Judge



**ARREST WARRANT**EAV966  
000000681509

CII:

FBI:

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA**

THE PEOPLE OF THE STATE OF CALIFORNIA,

PLAINTIFF,

VS

ROBERTO PEREZ ARMENTA

3144 CADILLAC

APT. 3

SAN JOSE

CA

DEFENDANT

CEN: 11506606  
DOCKET NO: C1102314  
DRIVER'S LIC NO: CAX7843338  
AGENCY CASE NO: 112170  
FINGERPRINTS NEEDED  
DESCRIPTIONBIRTHDATE: 12/19/1989  
HEIGHT: 508 WEIGHT: 160  
HAIR: BR EYES: BR SEX: M  
REMARKS:

RACE: HISPANIC

SERVICE AGENCY: 04314

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY PEACE OFFICER OF SAID STATE:  
COMPLAINT UNDER OATH HAVING BEEN MADE BEFORE ME BY:

G1410 GILBERT

SANTA CLARA POLICE DEPARTMENT

THAT THE OFFENSE OF:

(F)PC187

PR:

A FELONY HAS BEEN COMMITTED, AND ACCUSING:  
ROBERTO PEREZ ARMENTA

THEREOF,

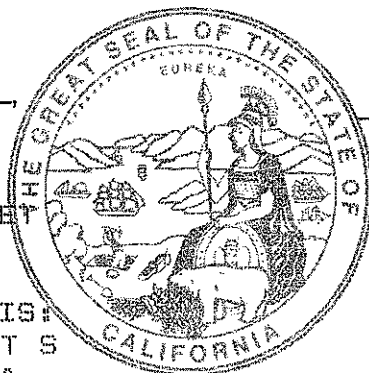
YOU ARE THEREFORE COMMANDED TO ARREST THE ABOVE NAMED DEFENDANT AND BRING SAID  
DEFENDANT FORTHWITH BEFORE THE ENTITLED COURT.

THIS FELONY WARRANT MAY BE SERVED AT NIGHT PURSUANT TO SEC 840 PC.

DEFENDANT MAY BE ADMITTED TO BAIL IN THE SUM OF \$

*No Bail*

WITNESS MY HAND AND SEAL,

DATE: 03/11/2011  
HALL OF JUSTICE  
190 WEST HEDDING STREET  
SAN JOSE, CA 95110  
SUPERIOR COURT  
MAILING ADDRESS IS:  
191 N. FIRST S  
SAN JOSE, CA

JUDGE OF THE SUPERIOR COURT

*GILBERT T. BROWN*COURT APPEARANCE TIMES AND DATES:  
09:00 MONDAY THRU FRIDAY MISD  
09:30 MONDAY THRU FRIDAY FEL  
14:00 MONDAY THRU FRIDAY FEL**ARREST WARRANT**



## County of Santa Clara

Office of the District Attorney

County Government Center, West Wing  
70 West Hedding Street  
San Jose, California 95110  
(408) 299-7400  
www.santaclara-da.org



Jeffrey F. Rosen  
District Attorney

March 11, 2011

Mr. Jeff Nedrow, Chief AUSA  
OFFICE OF THE UNITED STATES ATTORNEY  
Northern District of California  
150 Almaden Blvd., Suite 900  
San Jose, California 95113

Re: People v. Roberto Perez Armenta, Santa Clara County Superior Court Docket  
Number C1102314

Dear Mr. Nedrow:

I am writing to ask your assistance in bringing Roberto Perez Armenta to justice in Santa Clara County, California for the murder of Alfonso Barcenas Castillo on February 27, 2011.

At approximately 7 a.m. on February 27, 2011, a jogger discovered Mr. Castillo's body on the ground in front of the Old Orchard Apartments, located at 2200 Monroe Street, Santa Clara, California. Castillo had multiple stab wounds to his neck and stomach and was pronounced dead at the scene by the Santa Clara Fire Department.

At approximately 1 a.m. on February 27, 2011, Isaias Gonzales, a friend of the victim, briefly visited with him in one of the garages of an apartment complex at 2249 Monroe Street. Gonzalez recognized suspect Roberto Perez Armenta, Emiliano Perez, and Jose Perez also inside the garage. Jose Perez is Roberto Perez Armenta's father. Roberto Perez Armenta walked out of the garage towards Gonzalez and started an argument, trying to get into a fight. Gonzalez stepped back and walked into his apartment.

At about 1:50 a.m., Roberto Perez Armenta drove his vehicle to a nearby 7-Eleven with Emiliano, Jose and the victim, where they purchased beer. The group then returned to 2249 Monroe Street and Jose Perez went to his apartment. Emiliano, Roberto and the victim remained outside drinking beer.

After an unknown period of time, Emiliano was in his vehicle in front of 2249 Monroe Street listening to music when he noticed a fight between Roberto and the victim. Emiliano tried to break up the fight but was unable to. Emiliano then saw Roberto holding a knife with blood on it and believed Roberto had just stabbed the victim. Emiliano returned to his vehicle and left the area. At approximately 5 a.m., Emiliano entered his bedroom and told his girlfriend that Roberto got in a fight and stabbed someone. Emiliano said he was leaving the area and gathered some of his clothes.

At approximately 4:30 a.m., Roberto Perez Armenta called his mother and told her he had stabbed someone and was leaving. The defendant refused to provide any details.

Later that day investigators located Roberto Perez Armenta's vehicle near his apartment complex. Subsequent examination of the vehicle revealed a red smear on the driver's door post.

An autopsy of the victim revealed that he died from a vicious attack and sustained 14 separate stab and incised wounds. Additionally, the victim had defensive wounds to his hands. The fatal injuries were to the neck.

Investigators believe Roberto Perez Armenta fled to Mexico and have provided you with information about his whereabouts in that country.

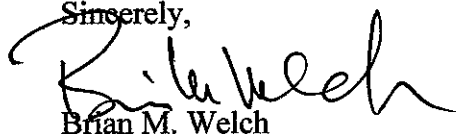
On March 11, 2011, a felony complaint was filed in Santa Clara County Superior Court, Docket Number C 1102314, charging Roberto Perez Armenta with murder, Penal Code section 187, with personal use of a knife allegation under Penal Code section 12022(b)(1). A warrant for his arrest has been issued.

This office believes that a complaint filed in Federal Court charging the defendant with Unlawful Flight to Avoid Prosecution pursuant to Title 18 United States Code Section 1073 will greatly aid in the apprehension and prosecution of this defendant for the murder of Alfonso Barcenas Castillo.

This office will seek to extradite the defendant from any location in the United States and from any country in which he may be found that has an extradition treaty with the United States.

Please feel free to contact me at 408-792-2624 if you have any further questions or concerns regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian M. Welch". The signature is fluid and cursive, with the first name "Brian" and last name "Welch" clearly distinguishable.

Brian M. Welch

Supervising Deputy District Attorney